

SENATE BILL 2453

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 29,
relative to the exercise of eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, is amended by adding
the following new part 13:

§ 29-17-1301.

(a) The right to privately own and maintain property is a fundamental
right guaranteed by the Constitutions of the United States and Tennessee and is
one of the fundamental principles upon which this country was founded.

(b) Notwithstanding any other provision of law to the contrary, for
purposes of Article I, Section 21 of the Constitution of Tennessee, the exercise of
the power of eminent domain by a governmental or other entity authorized to do
so by the provisions of this chapter, chapter 16 or any other provision of law to
condemn and take the private land of an individual shall not be considered an
authorized or permitted "public use" of or "public purpose" for such power if the
land taken is sold, leased or otherwise transferred to another individual or
another individual is permitted use of such land for its own purposes.

(c) As used in this section "individual" includes a natural person,
corporation, partnership or other such entity but shall not include a governmental
or quasi-governmental entity.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.